

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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| In the Matter of |) | |
| |) | |
| FORTIFI BANK |) | ORDER TO PAY |
| BERLIN, WISCONSIN |) | |
| |) | FDIC-20-0008k |
| (Wisconsin Insured State Nonmember Bank) |) | |
| |) | |

Fortifi Bank, Berlin, Wisconsin ("Bank"), has been advised of its right to receive a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY AND NOTICE OF HEARING issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the violations of law and regulation for which a civil money penalty may be assessed against the Bank pursuant to section 102(f)(1) of the Flood Disaster Protection Act of 1973, as amended ("FDPA"), 42 U.S.C. § 4012a(f)(1), and has been further advised of the right to a hearing with respect to the foregoing under section 102(f)(4) of the FDPA, 42 U.S.C. § 4012a(f)(4), and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308. The Bank, having waived those rights, entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY CIVIL MONEY PENALTY ("STIPULATION") with counsel for the FDIC, dated August 26, 2020, whereby, solely for the purpose of this proceeding and without admitting or denying the violations of law and regulation, the Bank consented to the issuance of this ORDER TO PAY CIVIL MONEY PENALTY ("ORDER") by the FDIC.

The FDIC considered the matter and determined that the Bank has engaged in a pattern or practice of committing violations of the FDPA and/or the notice requirements under section 1364 of the National Flood Insurance Act of 1968, 42 U.S.C. § 4104a, and/or Part 339 of the FDIC's Rules and Regulations, 12 C.F.R. Part 339, by violating:

- Section 339.3(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.3(a), by allowing flood insurance to lapse during the term of the loan in one instance; and failing to obtain adequate flood insurance in four instances;
- Section 339.5(a)(4) of the FDIC Rules and Regulations, 12 C.F.R. § 339.5(a)(4), by failing to escrow funds for insurance premiums in nine instances; and
- Section 339.9(a)(4) of the FDIC Rules and Regulations, 12 C.F.R. § 339.5(a)(4), by failing to provide written notice of flood insurance at renewal in thirteen instances.

The FDIC accepts the STIPULATION and issues the following:

ORDER TO PAY CIVIL MONEY PENALTY

IT IS HEREBY ORDERED that, by reason of the violations of law set forth herein, pursuant to section 102(f) of the FDPA, 42 U.S.C. § 4012a(f), a penalty of \$15,375.00 is assessed against the Bank. The Bank shall pay such amount via wire transfer to the FDIC, which will forward the payment to the Treasury of the United States, pursuant to the provisions of section 8(i)(2) of the Act, 12 U.S.C. § 1818(i)(2).

IT IS FURTHER ORDERED that the Bank is prohibited from seeking or accepting indemnification from any third party for the civil money penalty assessed and paid in this matter.

This ORDER shall become effective upon its issuance by the FDIC.

The provisions of this ORDER shall not bar, estop, or otherwise prevent the FDIC or any other federal or state agency or department from taking any other action against the Bank or any of the Bank's current or former institution-affiliated parties, as that term is defined in section 3(u) of the Federal Deposit Insurance Act, 12 U.S.C. § 1813(u).

Pursuant to delegated authority.

Dated at Chicago, Illinois, this 24th day of September, 2020.

Teresa M. Sabanty
Deputy Regional Director